

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

NICOLE WOOTEN,

Plaintiff,

v.

LIMETREE BAY TERMINALS d/b/a
OCEAN POINT TERMINALS, PORT
HAMILTON REFINING &
TRANSPORTATION, WEST INDIES
PETROLEUM LTD., and LIMETREE BAY
REFINERY, LLC, as a nominal Defendant

Defendants.

Case No. 1:23-cv-00012-WAL-EAH

**CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S
FIRST AMENDED COMPLAINT AND INCORPORATED MEMORANDUM OF LAW**

Defendant, Limetree Bay Terminals, LLC d/b/a Ocean Point Terminals (hereinafter "Ocean Point"), by and through its undersigned counsel, respectfully moves an extension of time, up to and including April 3, 2023, to reply to Plaintiff Nicole Wooten's First Amended Complaint and in support in support thereof, states as follows:

1. On February 14, 2023, Plaintiff filed her First Amended Complaint in the Superior Court of the Virgin Islands Division of St. Croix.
2. On or about February 22, 2023, Ocean Point was served with Plaintiff's First Amended Complaint.
3. On March 1, 2023, Plaintiff moved to amend her First Amended Complaint, which is still pending.
4. On March 17, 2023, Ocean Point removed this instant action to this Court.
5. Pursuant to Fed. R. Civ. P. Rule 81(c)(2), Ocean Point's answer and affirmative defenses to Plaintiff's First Amended Complaint is due on March 24, 2023.

6. In light of other scheduled personal and professional obligations and deadlines, undersigned counsel needs additional time to respond to the Complaint.

7. Ocean Point respectfully requests additional time to respond to Plaintiff's First Amended Complaint, through and including, Monday, April 3, 2023.

8. Ocean Point has met and conferred with Plaintiff's counsel regarding the requested extension and Plaintiff consents to the relief requested.

9. Ocean Point has good cause to seek this extension of time and this is the first extension of time sought by Ocean Point.

10. No prejudice will result from the requested extension.

MEMORANDUM OF LAW

Motions to extend time for a specific act are governed by Fed. R. Civ. P. Rule 6, which provides that when an act may or must be done within a specified time, the court may, for good cause, extend the time with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires. *See Taylor v. Shields*, Civ. A. No. 13-2241, 2016 WL 9775022, at *1 n.1 (E.D. Pa. Oct. 21, 2016). Good cause is understood to mean a legally sufficient reason. *See Joseph v. Hess Oil Virgin Islands Corp.*, 651 F.3d 348, 255 (3d Cir. 2011). Determining whether the showing of good cause will justify granting the relief sought can be accomplished by considering the specific nature and purpose of the rule at issue. *Id.*

Here, there is a sufficient showing of good cause to justify granting this Motion. In light of other scheduled personal and professional obligations and deadlines, undersigned counsel needs additional time to respond to the Complaint. Further, this request for additional time to respond to Plaintiff's First Amended Complaint is made timely and given the infancy of this matter, no party will be prejudiced if the Court granted this request for additional time.

WHEREFORE, Defendant Limetree Bay Terminals, LLC d/b/a Ocean Point Terminals respectfully requests that this Court grant its consent motion for extension of time, up to and including, Monday, April 3, 2023, to respond to Plaintiff's First Amended Complaint.

Date: March 23, 2023

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By: /s/Donnie M. King

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CERTIFICATE OF SERVICE

I certify that the foregoing document was filed with the Court's electronic filing system on March 23, 2023 which will send a notice of electronic filing to all counsel of record.

/s/Donnie M. King

Donnie M. King